

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on September 15, 2003.

## **I. DISPUTE**

Whether there should be reimbursement for out-of-pocket expenses for prescription medications for dates of service March 9, 2003 through June 28, 2003.

## **II. RATIONALE**

Neither party submitted EOBs; therefore, this dispute will be reviewed as a general fee dispute.

- Out-of-pocket expenses for the prescription medication – Vioxx – 25mg tablets for dates of service 3/9/03 through 6/28/03. The requestor submitted letters from the treating doctor supporting the use of the prescribed medication and receipts showing requestor has paid for this medication. Per the Texas Workers Compensations Commission Act 401.011(19)(E) and (31)(A) reimbursement in the amount of \$216.46 ( $\$55.59 \times 3 + \$49.69$ ) is recommended.
- Out-of-pocket expenses for the prescription medication – Cyclobenzaprin – 10mg tablets for dates of service 3/9/03 through 6/28/03. The requestor submitted letters from the treating doctor supporting the use of the prescribed medication and receipts showing requestor has paid for this medication. Per the Texas Workers Compensations Commission Act 401.011(19)(E) and (31)(A) reimbursement in the amount of \$381.26 ( $\$94.09 \times 3 + \$98.99$ ) is recommended.
- Out-of-pocket expenses for the prescription medication – Neurontin – 300mg tablets for dates of service 3/9/03 through 6/28/03. The requestor submitted letters from the treating doctor supporting the use of the prescribed medication and receipts showing requestor has paid for this medication. Per the Texas Workers Compensations Commission Act 401.011(19)(E) and (31)(A) reimbursement in the amount of \$183.96 ( $\$45.99 \times 4$ ) is recommended.

## **IV. DECISION & ORDER**

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor is entitled to reimbursement for out-of-pocket expenses for prescription medications in the amount of \$781.68. Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Division hereby ORDERS the Respondent to remit **\$781.68** plus all accrued interest due at the time of payment to the Requestor within 20 days receipt of this Order.

The above Findings, Decision and Order are hereby issued this 30th day of December 2003.

Marguerite Foster  
Medical Dispute Resolution Officer  
Medical Review Division

MF/mf